

1 Lee H. Rubin (SBN 141331)
lrubin@mayerbrown.com
2 Eric B. Evans (SBN 232476)
eevans@mayerbrown.com
3 MAYER BROWN LLP
Two Palo Alto Square Ste. 300
4 3000 El Camino Real
Palo Alto CA 94306
5 Tel.: 650-331-2000
Fax: 650-331-4563
6 Attorneys for Defendant
GOOGLE INC.
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 IN RE: HIGH-TECH EMPLOYEE
12 ANTITRUST LITIGATION

13 THIS DOCUMENT RELATES TO:

14 All actions.

Case No. 11-cv-2509 LHK (PSGx)

**DECLARATION OF ERIC B. EVANS
REGARDING COMPLIANCE WITH
JUNE 5, 2012 CASE MANAGEMENT
ORDER**

1 I, ERIC B. EVANS, declare as follows:

2 1. I am a member of the Bars of the State of California and of this Court and a
3 partner in the law firm of Mayer Brown LLP, attorneys for Defendant Google Inc. (“Google”) in
4 the above-captioned action. In compliance with this Court’s June 5, 2012 Case Management
5 Order, I submit this declaration regarding Google’s production of data and documents to date.
6 I have personal knowledge of the facts in this declaration and, if called to testify as a witness,
7 could and would do so competently.

8 2. Based on this Court’s prior orders and the agreements reached between plaintiffs
9 and Google regarding plaintiffs’ requests for documents and data, Google’s production of
10 documents and electronically stored information can be described as falling within four
11 categories:

- 12 (a) **a “DOJ track”**: production of documents already produced to the United
13 States Department of Justice during its investigation of defendants’
14 recruiting practices;
- 15 (b) **a “data track”**: production of information from defendants’ human
16 resources, recruiting, and compensation databases;
- 17 (c) **a “high-level track”**: production of high-level reports, studies and
18 analyses and studies responsive to certain requests for production of
19 documents (“high-level” documents); and
- 20 (d) **a “custodial track”**: production of email and other electronically stored
21 information from identified custodians, to be identified by a process that
22 included the application of search terms.

23 3. As described in further detail below:

- 24 (a) Google’s **DOJ track production** was completed **November 30, 2011**;
- 25 (b) Google’s **data track production** was completed **June 15, 2012**;
- 26 (c) Google’s **high-level track production** was substantially completed **June**
27 **15, 2012**, as the Court’s scheduling order contemplates; and

(d) Google's **custodial track production** was substantially completed **June 15, 2012**, as the Court's scheduling order contemplates.

Google's DOJ Production Track Is Complete

4. Google produced all documents that had been produced to the United States Department of Justice during its investigation of defendants' recruiting practices to plaintiffs on November 30, 2011.

Google's Data Track Is Complete

5. After a series of discovery conferences with plaintiffs regarding the scope of plaintiffs' data requests, Google began producing employee and recruiting data on April 9, 2012.

6. Since that time, Google has continued to produce data on a rolling basis, including (1) compensation data and (2) additional applicant/recruiting data on May 9, May 22 and May 30 and June 15, 2012.

7. Google's June 15, 2012 production of data to plaintiffs completed its production of data, based on its understanding of plaintiffs' requests and the data it has agreed to produce to in response to those requests.

Google's High-Level Track Is Substantially Complete

8. Google produced responsive "high-level" documents on April 9, May 18 and June 15, 2012. Google substantially completed production of "high-level" documents on June 15, as required by the scheduling order.

9. Google is currently completing its review of potentially privileged information collected as part of its collection of high-level documents. Google will provide plaintiffs with a privilege log in accordance with an agreement to be reached between the parties. If, during the course of its privilege review, Google determines that any documents are ultimately not privileged in whole or in part, Google will produce such documents on a rolling and timely basis after a final decision regarding those documents has been made.

10. On June 18, 2012, Google produced additional "high-level" documents whose production had been delayed by the process of redacting personal information pursuant to paragraph 2.2 of the Stipulated Protective Order entered in this case.

Google's Custodial Track Is Substantially Complete

11. Google has also produced documents from the files of certain former and current Google employees whose files contain information that is likely to be relevant to this action. Google's identification of responsive documents included the application of certain search terms against the identified custodial information. In conducting its custodial search for responsive documents, Google included certain custodians and search terms proposed by plaintiffs and notified plaintiffs of the list of custodians whose files it intended to search and search terms it intended to apply. Google began producing responsive, non-privileged documents collected from custodians on May 9, 2012. Further custodial productions were made on May 18 and June 15, 2012. Google's June 15, 2012 production of custodial information substantially completed its production of information from the specified custodians.

12. Google is currently completing its review of potentially privileged information collected from the specified custodians. Google will provide plaintiffs with a privilege log in accordance with an agreement to be reached between the parties. If, during the course of its privilege review, Google determines that any documents are ultimately not privileged in whole or in part, Google will produce such documents on a rolling and timely basis after a final decision regarding those documents has been made.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that this Declaration was executed on June 18, 2012 in Palo Alto, California.

Dated: June 18, 2012

/s/ Eric B. Evans
ERIC B. EVANS